

SENATE BILL 3603
By Person, Curtis

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 16, relative to court reporting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 3, is amended by adding Sections 2 through 14 of this act as a new part.

SECTION 2. The purpose of this section is to set appropriate standards for the proper certification of court reporters, and to establish and maintain a standard of competency for individuals engaged in the practice of court reporting, to maintain the integrity of the transcription of the spoken word, and to contribute to the protection of the justice for all.

SECTION 3.

As used in this chapter, unless the context otherwise requires:

- (1) "Board" means the Tennessee court reporters certification board;
- (2) "Certification" means a standard certificate that is issued by the board to a person who meets the requirements of this section and does not include a temporary certificate;
- (3) "Certified court reporter" means a person who is certified under this part to practice verbatim reporting;
- (4) "Court reporting" means the making of a verbatim record by means of manual shorthand, machine shorthand, closed microphone dictation silencer, or electronic recording of any testimony given under oath before, or submission to, any court, referee, or court examiner or by any board, commission, or other body or in any other proceeding where a verbatim record is required. The taking of a deposition is the making of a verbatim record; and

(5) "Court reporter" means any person who is engaged in the practice of court reporting as a profession, including persons who actually report judicial proceedings in courts and persons who make verbatim records.

SECTION 4.

(a) The board shall consist of seven (7) members including:

(1) One (1) appellate court, chancery or circuit court judge;

(2) One (1) member of the Tennessee bar association;

(3) Two (2) court reporters employed full-time by the state of Tennessee;

(4) Two (2) certified court reporters not employed full-time by the state of Tennessee and nominated by the Tennessee court reporters association; and

(5) One (1) citizen member.

(b) Members shall have been practicing in their respective fields for not less than five (5) years and be residents of the state of Tennessee.

(c) Members shall be appointed by the Tennessee supreme court, and initial appointments shall be for a term of three (3) years with staggered terms so that no more than four (4) terms expire during the same year.

(d) No board member shall serve more than two (2) consecutive terms, and all members shall hold office until the appointment of their successors.

(e) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural and economic diversity of the state of Tennessee.

(f) Vacancies of any unexpired terms shall be filled in the same manner as original appointments.

SECTION 5. After the initial appointments have been made, the board shall meet within thirty (30) days, for the purpose of organizing and transacting business, including the election of a chairperson. Thereafter, the board shall meet not less than twice annually and as frequently

as deemed necessary by the chair or a majority of the members. The board shall meet at such time and place as designated by the board. A quorum shall consist of four (4) members.

SECTION 6.

(a) The board shall:

(1) Act on matters regarding granting, reinstating, suspending and revoking of certificates;

(2) Investigate complaints made against certified court reporters and conduct hearings in which complaints are heard;

(3) Maintain a current register of certified court reporters;

(4) Maintain a record of all proceedings of the board;

(5) Approve continuing education requests submitted and issue numbered certificates to applicants found qualified; and

(6) Submit an annual report detailing the proceedings of the board to the supreme court, the chair of the judiciary committee of the senate, and the chair of the judiciary committee of the house of representatives.

(b) The supreme court shall set by rule, the regulations and fees necessary to sustain the board.

(c) The board shall be administratively attached to the administrative office of the courts as created in Tennessee Code Annotated, Title 16, Chapter 3, Part 8.

SECTION 7. The compensation of each member of the board shall be fixed by the administrative director of the courts, with the approval of the supreme court, and shall include travel expenses pursuant to policies and guidelines promulgated by the supreme court. Such compensation and expenses shall be paid out of the funds of the board but shall not be made if funds are insufficient.

SECTION 8. Any decision made by the board which may adversely affect the certification of any certified court reporter as defined herein may be appealed to the supreme court.

SECTION 9.

(a) No person shall engage in the practice of verbatim court reporting in this state unless the person is the holder of a certificate as a certified court reporter.

(b) A certified court reporter may include the appropriate title "certified shorthand reporter," "certified electronic reporter," or "certified voice reporter" or the abbreviation "CSR," "CER," or "CVR" and the reporter's certificate number on the title or cover page of any transcript, on any business card, advertisement or letterhead and on the certificate of any transcript.

(c) Any person who undertakes or attempts to undertake the practice of court reporting for remuneration without first having procured a license or who knowingly files false information with the board for the purpose of obtaining a license or who violates this act shall be guilty of a Class C misdemeanor.

SECTION 10.

(a) Every applicant for certification as a certified court reporter shall file with the board a written application in the form prescribed by the board and the payment of the designated application fee.

(b) Upon receipt of an application and fees, the board shall grant a certificate as a certified court reporter to any person who:

- (1) Has attained the age of eighteen (18) years;
- (2) Is of good moral character;
- (3) Is a graduate of a high school or has had an equivalent education;

(4) Has not been convicted of a felony within the five (5) years prior to application; and

(5) Has submitted evidence that the applicant has completed and passed the Registered Professional Reporter Examination of the National Court Reporters Association or the Certified Verbatim Reporter Examination of the National Verbatim Reporters Association.

(c) Any person who has been engaged in the practice of court reporting for six (6) months prior to the effective date of this act and who has not been convicted of a felony within five (5) years prior to the effective date of this act and provides to the board an affidavit setting forth his or her past education and work experience as a court reporter and an affidavit from either a judge for whom he or she has worked as an official court reporter, or three (3) licensed attorneys, unrelated by blood or marriage to the court reporter, and who have utilized the services of the court reporter and can attest to the court reporter's proficiency in court reporting, and upon receipt of application and fees, shall be granted a certificate as a certified court reporter by the board.

SECTION 11. Certifications under this section shall be renewed annually. The certificate holder is responsible for applying for a renewal certificate.

SECTION 12. Any certified court reporter shall be required to complete no less than thirty (30) hours of continuing education over a three-year period. All continuing education programs must be submitted for approval by the board. Failure to comply with continuing education requirements shall result in nonrenewal of certification. Each certificate holder shall be responsible for maintaining evidence of completed continuing education units.

SECTION 13. A new reporter or recorder may be granted one (1) temporary certificate to enable him or her to work until the results of the next test are released. If the person does not take the test, the temporary certification may not be extended unless good cause is shown.

If the person takes the test and fails, the board may extend the temporary certification.

Temporary certification will not be extended beyond a period of two (2) years from the date of initial application, unless approved by the board.

SECTION 14. Any court reporter residing outside the state of Tennessee who wishes to take any proceeding within the state of Tennessee shall make application to the board for a non-resident certificate. The applicant shall make application on the same forms and be subject to the same requirements as certified court reporters who reside in Tennessee. Upon payment of a fee and upon approval of qualifications by the board, the applicant may be issued a non-resident license.

SECTION 15. Tennessee Code Annotated, Section 4-29-229(a), is amended by adding the following as a new, appropriately designated subdivision:

() Tennessee court reporters certification board, created by Section 4 of this act.

SECTION 16. This act shall take effect July 1, 2006 for the purpose of promulgating rules and organizing the board. For all other purposes, this act shall take effect July 1, 2007, the public welfare requiring it.